

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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JOEL PLAZA, JR.,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:22-cv-4587
	:	
TANASIYA PRESBURY, <i>LPN</i> , SHAYNE	:	
GOODMAN, <i>RN</i> , MR. SORENTINO, <i>SGT.</i> ,	:	
MR. TENUTO, <i>SGT.</i> , and BRYAN, <i>RN</i> ,	:	
Defendants.	:	

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**ORDER**

**AND NOW**, this 17<sup>th</sup> day of July, 2023, upon consideration of Defendants Tanaysia Presbery, RN and Shayne Goodman, RN's motion to dismiss, ECF No. 27, Defendants Sgt. Sorrentino and Sgt. Tenuto's motion to dismiss, ECF No. 25, and for the reasons set forth in the Court's Opinion issued on this date, **IT IS HEREBY ORDERED THAT:**

1. Sorrentino and Tenuto's Motion to Dismiss, ECF No. 25, is **GRANTED**, as follows:
  - a. Plaza's Eighth Amendment claims against Sorrentino and Tenuto for deliberate indifference are **DISMISSED WITHOUT PREJUDICE**. Plaza's Eighth and Fourteenth Amendment claims against Sorrentino and Tenuto are also **DISMISSED WITHOUT PREJUDICE**. Therefore, Defendants' motion to dismiss is **GRANTED**.
2. Presbery and Goodman's Motion to Dismiss, ECF No. 27, is **DENIED**, as follows:

a. Plaza's claim for deliberate indifference against Presbery and Goodman under the Eighth Amendment may proceed as pleaded. Therefore, Defendants' motion to dismiss is **DENIED**.

3. Plaza is granted leave to amend his Complaint to renew any of the dismissed claims, and if he chooses to do so, the amended complaint must be filed **no later than August 7, 2023**. Plaza's failure to timely file an amended complaint will result in dismissal of these claims with prejudice and without further notice.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge